

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA RANGEL,

Plaintiff(s),

-against-

38 MACDOUGAL LLC d/b/a SHUKA, ANNA-
MARIE MCCULLAGH, and CHRIS
PARASKEVAIDES,

Defendant(s).

24-CV-434 (JGLC)

ORDER OF DISMISSAL

JESSICA G. L. CLARKE, United States District Judge:

On March 25, 2024, the Court directed *pro se* Plaintiff Rangel to indicate whether she intends to continue prosecuting this case no later than April 12, 2024, and warned that if Plaintiff did not file anything by that deadline that the Court may dismiss the case for failure to prosecute. ECF No. 26. Plaintiff did not file anything by that date. Moreover, Plaintiff did not appear for two telephone conferences with Magistrate Judge Tarnofsky, scheduled for April 15, 2024 and April 29, 2024 respectively, and has not responded to Judge Tarnofsky's attempts to contact Plaintiff by email and telephone. As of today's date, Plaintiff has not responded to the Court's March 25 Order, nor has she otherwise indicated that he intends to pursue this action.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order." Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response from Plaintiff, including any

indication that he intends to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to terminate all pending motions and close the case.

Dated: April 30, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Jessica Clarke". The signature is written in a cursive, flowing style. It is positioned above a solid black horizontal line that spans the width of the signature.

JESSICA G. L. CLARKE
United States District Judge